

REMARKS

Applicants wish to point out that a Notice of Allowance, mailed October 31, 2006, was received in the present application wherein pending claims 1, 25, and 26 were allowed by the Office.

Applicants respectfully submit that the validity of U.S. Patent No. 5,229,382 was upheld by the United States District Court, Southern District of Indiana, Docket No. IP01-0443 C Y/S in an opinion issued April 14, 2005 which is submitted with the attached IDS. U.S. Patent No. 5,229,382 which granted from USSN 07/890,348 is related to the present reissue application as disclosed in the "Related U.S. Application Data" for the present reissue patent application.

The above-cited District Court ruling was subsequently appealed to the United States Court of Appeals for the Federal Circuit (CAFC). The oral hearing for this case was heard at the CAFC on April 6, 2006. The appeal briefs submitted by the parties in this litigation are also being supplied to the Office with the attached IDS. The CAFC rendered their decision on December 26, 2006 which is also included in the attached IDS.

Although the present reissue application is not directly involved in the above-cited litigation, Applicants are again notifying the Office of the above proceedings since Patent No. 5,229,382 relates to the final product, *per se*, of the process claimed in the present reissue application.

Nevertheless, Applicants submit that claims 1, 25, and 26 are in condition for allowance.

Respectfully submitted,

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Attachments: RCE
Information Disclosure Statement w/Form 1449